

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE MINUTES

May 2, 2025

The Legislative Performance Audit and Oversight Committee met on Friday, May 2, 2025 at 10:00 AM in the LOB, Room 212.

Members in attendance were as follows:

Rep. Gerald Griffin, Chair
Rep. Lucy Weber
Rep. Ken Weyler
Rep. Keith Erf
Rep. Mary Jane Wallner
Sen. Cindy Rosenwald, Vice Chair
Sen. Timothy Lang
Sen. Howard Pearl

The meeting was called to order by Representative Griffin at 10:00 AM.

VOTE ON ACCEPTANCE OF THE APRIL 4, 2025 MEETING MINUTES:

On a motion by Representative Weber, seconded by Senator Lang, that the minutes of the April 4, 2025 meeting be accepted. **MOTION ADOPTED.**

POTENTIAL AUDIT TOPICS:

Christine Young, Director of Audits, and Jay Henry, Supervisor of Performance Audits, provided the Committee with a list of performance audit reports that were completed in the last ten years, totaling 30 reports. The list included the TransparentNH agency-reported status of the observations in each report.

The Committee discussed and agreed that a letter would be sent to the Office of Professional Licensure and Certification and the chair of each board that was part of the Mental Health Workforce Licensing Performance Audit. The letters will invite board members and staff to attend the next LPAOC meeting to discuss what corrective actions have or have not been taken in response to the observations and recommendations in the report.

The Committee also discussed special education costs and coding of students as a possible audit topic. Rep. Erf volunteered to seek information on this topic from the NH Department of Education.

DATE OF NEXT MEETING AND ADJOURNMENT:

Next meeting is scheduled for Friday, June 6, 2025, at 10:00 AM in Room 100 of the State House. Representative Griffin adjourned the meeting at 10:53 AM.

Gerald Griffin, Chair



STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
OFFICE OF THE EXECUTIVE DIRECTOR

Deanna Jurius
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AUDIT STATUS REPORT

Office of Professional Licensure and Certification
 Board of Mental Health Practice Audit
 November 2024
 Status Update: May 7, 2025

Summary of Audit Observations/Findings					
Number	Observation Title	Status			
		Unresolved	Partially Resolved	Substantially Resolved	Fully Resolved
1	Improve License Portability				X
2	Improve Expedited Licensure Processes			X	
3	Review Temporary Licensure Laws and Practice			X	
4	Develop Rules for Military-related Applications			X	
5	Ensure Board Rules for Acting on Applications Align with State Laws			X	
6	Measure Timeliness of Application Processing			X	
7	Assess Whether More Licenses Can be Issued Without Full Board Review			X	
8	Determine Whether all LADC Board Applications Need Full Board Review			X	
9	Review Information Collected Regarding Applicants' Criminal History			X	
10	Adopt Rules for Some Licensing Requirements and Processes			X	
11	Ensure Requirements are Clear and Consistently Applied		X		
12	Review Examination Requirements			X	

Observation 1: Improve License Portability

Summary of Finding: *OPLC, in consultation with the Boards of Mental Health Practice, Licensing for Alcohol and Other Drug Use Professionals, Medicine, Nursing, and Psychologists establish a process to identify states with equivalent, substantially equivalent, or greater licensing requirements and publish a list. OPLC and Boards Identify requirements for comparison; determine how much risk each requirement imposes considering applicants already hold a license in another state; consider establishing thresholds for how much other states' requirements could deviate from New Hampshire's and still be considered substantially equivalent; and periodically update the list. All boards address licensure by endorsement to ensure it reduces documentation burden and facilitates a faster process for individuals already licensed in other states.*

Current Status: On August 27, 2023, the legislature passed RSA 310:17 “License Reciprocity”, which established a universal statutory practice for the Office of Professional Licensure and Certification (OPLC), in consultation with the state boards, commissions, and councils within the office, to promulgate rules for determining whether another jurisdiction’s licensing requirements are substantially similar to New Hampshire’s. See [Section 310:17 License Reciprocity](#). The OPLC and Boards have acted upon that legislation by promulgating the Plc 313s which cover the endorsement process (See Plc 313.37, mental health practice; Plc 313.36, board of medicine; Plc 313.4, board of nursing; Plc 313.51, board of psychologists; and Plc 313.15, board of licensing for alcohol and other drug use professionals). See [gc.nh.gov/rules/state_agencies/plc300.html](https://www.gcnh.gov/rules/state_agencies/plc300.html). In addition to creating rules that establish a process and standard for endorsement, the OPLC has also established, and is well in to finalizing, an easy-reference list for each of these boards that shows what states have substantially similar requirements in order to reduce documentation burden and facilitate a faster process for individuals already licensed in other states. See [New Changes for Reciprocity in New Hampshire | NH Office of Professional Licensure and Certification](#)

Observation 2: Improve Expedited Licensure Processes

Summary of Finding: *OPLC develop a process to identify expedited applications posing higher licensing risk, seek Board input when necessary, and establish a process for Boards to periodically review approved expedited applications to ensure licensing standards are met. The BHMP, LADC, and Psych Boards review expedited licensure processes to consider if supplemental documents are necessary, processes reduce the time it takes those already licensed in another state to be licensed in New Hampshire, and conduct a risk assessment to determine whether some licensing factors could still require Board expertise during OPLC review.*

Current Status: On August 27, 2023, the legislature passed RSA 310:17 “License Reciprocity”, which established a universal statutory practice for the Office of Professional Licensure and Certification (OPLC), in consultation with the state boards, commissions, and councils within the office, to promulgate rules for determining whether another jurisdiction’s licensing requirements are substantially similar to New Hampshire’s. See [Section 310:17 License Reciprocity](#). Under the

statute, an applicant is entitled to licensure if they have an active license in good standing from another jurisdiction that has substantially similar requirements to New Hampshire's as determined by rules promulgated by the OPLC in consultation with the boards. The statute eliminates most applications that pose a higher licensing risk by requiring the applicant have a license in good standing. The OPLC has adopted Plc 313.05 that requires the applicant to provide primary source verification from the jurisdiction in which they are licensed demonstrating they are in good standing. Further, Plc 313.03(a)(2), requires a criminal record check for these professions. Both of these rules are intended to strike the delicate balance of protecting the public while ensuring an expedited review and processing of applications. Plc 313.06 creates a system for the processing of applications for licensure by endorsement that allows for expedited granting of licensure. The OPLC can grant a provisional license, pending the results of a criminal background check. If the background check has a concerning finding, the OPLC can ask the board to hold an RSA 332-G:10 hearing on the criminal record check, following the Plc 200s.

Observation 3: Review Temporary Licensure Laws and Practices

***Summary of Finding:** The Legislature consider clarifying RSA 310:6 V and removed negated statutory time limits and exclusions in the BMHP, LADC, Psych, and BoN temporary licensure laws given more recent laws allowing the OPLC to issue temporary licenses.*

***Current Status:** RSA 310:6, V currently reads:*

Temporary licenses to out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction. The temporary license shall be valid for 120 days, or until the office acts on an application for full licensure, whichever happens first, and shall not be renewed, except that a complete application for full licensure before the expiration of the temporary license shall continue the validity of the temporary license until the office has acted on the application. All individuals licensed under rules adopted pursuant to this subparagraph shall be subject to the jurisdiction of the state licensing body for that profession.

The legislature currently has proposed HB 82 ([Current Legislation Search](#)), which would eliminate RSA 330-A:26, relative to applicants from other states for the Board of Mental Health Practice; RSA 329-B:10, II, relative to rules concerning nonresident licensing procedures for the Board of Psychologists; and RSA 329-B:20, relative to temporary and emergency licenses for the Board of Psychologists. The Board of Nursing maintains RSA 326-B:24 because it addresses different situations for temporary licensure that are unrelated to applicants for endorsement. See [Chapter 326-B NURSE PRACTICE ACT](#). Lastly, the legislature repealed RSA 330-C:21 "Applicants from Other States", effective July 1, 2024. This applied to the board of licensing for alcohol and other drug use professionals.

OPLC is in the process of coordinating with Boards to eliminate rules that no longer comply with current law, including temporary licensure. The OPLC Rulemaking Bureau consists of one full-time and two-part time employees and is responsible for approximately 25% of the

state of New Hampshire's rulemaking. The OPLC has recently developed a system and policy for accepting, prioritizing, and fulfilling rulemaking requests and is working with all boards on eliminating board rules that do not comport with new statutory requirements for licensure.

Observation 4: Develop Rules for Military-related Applications

***Summary of Finding:** All Boards adopt rules defining military education, training, or service that may qualify towards licensure. OPLC, in consultation with Boards, establish processes to facilitate licensure for military spouses and for how military-related applications will be processed. OPLC develop a process to track military-related applications. Legislature consider if military members or their spouses should be required to hold a license in a state with substantially equivalent licensing requirements before a temporary license can be issued.*

***Current Status:** OPLC is in the process of coordinating with Boards to draft and implement the military education, training, or service rules by the statutory deadline of January 1, 2026. The OPLC Rulemaking Bureau consists of one full-time and two-part time employees and is responsible for approximately 25% of the state of New Hampshire's rulemaking. The OPLC has recently developed a system and policy for accepting, prioritizing, and fulfilling rulemaking requests and is working with all boards on implementing rules pertaining to military equivalency.*

Observation 5: Ensure Board Rules for Acting on Applications Align with State Laws

***Summary of Findings:** The BoM align rules for requesting additional information on applications with the time limit established in law. All Boards in conjunction with OPLC, establish a process for identifying when statutory amendments render Board rules no longer accurate, and rulemaking is started timely. The BMHP and OPLC assess if having different time limits than other Boards to act on applications could create confusion in tracking. If different time limits are not needed, seek amendment to align time limits with the other Boards and ensure rules align with statute.*

***Current Status:** OPLC is in the process of coordinating with Boards to eliminate rules that no longer comply with current law, and to have boards create addendums to the universal application that request only information that is non-duplicitous and statutorily required. The OPLC Rulemaking Bureau consists of one full-time and two-part time employees and is responsible for approximately 25% of the state of New Hampshire's rulemaking. The OPLC has recently developed a system and policy for accepting, prioritizing, and fulfilling rulemaking requests and is working with all boards on eliminating board rules that do not comport with new statutory requirements for licensure. This system includes input from the boards to ensure rules are accurate and timely started. The OPLC has also created the Plc 300s, which create universal time limits for the processing of applications. See gc.nh.gov/rules/state_agencies/plc300.html*

Observation 6: Measure Timeliness of Application Processing

Summary of Finding: *OPLC and all Boards identify data needed to determine compliance with statutory time limits; establish process for Boards to assess if applications are processed timely; and ensure all application records are complete, and documents are accessible. OPLC establish retention schedules and clear guidance for staff about information that should be stored in the licensing system; ensure the new licensing system can capture all data necessary to monitor compliance and has adequate storage. Until a new system is procured, OPLC and the Boards establish alternative methods to monitor compliance with time limits.*

Current Status: The OPLC has promulgated the Plc 300s which establish universal timelines for the processing of applications across all boards. Because RSA 310 places the OPLC, not Boards, in charge of the application process, the OPLC has established and/or is in the process of creating internal supervisory systems and policies intended to ensure that application limitations are followed. The OPLC has also established and/or is in the process of creating multiple policies that address record retention and the processing of applications. The OPLC is also in the process of building a new licensing system and vamping many of its future processes, policies, and rules to comport with its capabilities.

Observation 7: Assess Whether More Licenses Can Be Issued Without Full Board Review

Summary of Finding: *OPLC develop a process to identify applications posing higher licensing risk, seek Board input on applications when necessary, and establish a process for Boards to periodically review approved applications to ensure licensing standards are met. The Board of Psych and BMHP conduct a risk assessment to determine which applications may still warrant Board input by identifying risk factors, the complexity of assessing compliance with licensing requirements, assigning a risk rating to each factor, and identifying factors that may not warrant Board input. After conducting a risk assessment, identify the types of applications that could require Board expertise during OPLC review. The Legislature consider removing negated statutory authority regarding approval of license applications in RSA 329:2, II and RSA 326-B:4, III*

Current Status: The OPLC has promulgated the Plc 300s and Plc 200s, which directly address the process by which an application is reviewed by a Board before the OPLC makes a determination on the application (*see* Plc 304.08 and Plc 304.09) or as part of a hearing on a denial of an application (*see* RSA 310:14 and Plc 206.31, 206.32, and 206.32). Additionally, the OPLC has also established and/or is in the process of creating multiple policies and processes for implementing those rules. The legislature has removed conflicting statutory authority in RSA 329:2, II ([Section 329:2 Board; Duties.](#)). RSA 326-B:4, III does not conflict with RSA 310, which leaves the Board in charge of determining and enforcing sanctions in disciplinary matters if there is a finding of professional misconduct. *Compare* RSA 326-b:4, III ([Section 329:2 Board; Duties.](#)) with RSA 310:10, VII ([Section 310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.](#)).

Observation 8: Determine Whether all LADC Board Applications Need Full Board Review

***Summary of Finding:** OPLC develop a process to identify applications posing higher licensing risk, seek LADC Board input on applications when necessary, and establish a process for the LADC Board to periodically review approved applications to ensure licensing standards are met. The LADC Board conduct a risk assessment to determine which applications may still warrant Peer Review Committee and/or full Board input by identifying licensing risk factors, reviewing the complexity of assessing compliance with each licensing requirement, assigning a risk rating, and identifying factors posing a low enough risk to not warrant additional input. After conducting a risk assessment, identify the types of applications that could require LADC Board expertise during OPLC review. The Legislature consider removing negated statutory authority regarding approval of license applications in RSA 330-C:5, I*

Current Status: The OPLC has promulgated the Plc 300s which establish universal timelines for the processing of applications across all boards. Because RSA 310 places the OPLC, not Boards, in charge of the application process, the OPLC has established and/or is in the process of creating internal supervisory systems and policies intended to ensure that application limitations are followed. The OPLC has also established and/or is in the process of creating multiple policies that address record retention and the processing of applications. The OPLC is also in the process of building a new licensing system and vamping many of its future processes, policies and rules to comport with its capabilities. HB 82 seeks to remove the LADC Boards committee authority, which would eliminate the authority to have a Peer Review Committee. It also repeals and reenacts RSA 330-C:5, I to allow the board to conduct hearings and proceedings in accordance with RSA 310.

Observation 9: Review Information Collected Regarding Applicants' Criminal History

***Summary of Finding:** All Boards and OPLC review rules and application forms to ensure alignment with State policy by determining criminal convictions that may have a substantial and direct relationship to each profession; ensuring only convictions for crimes with a substantial and direct relationship are used to disqualify applicants from licensure; and ensuring application and related forms are designed to collect only information to make licensing decisions. Board of Psych, BOM, and BMHP ensure review of past criminal histories only consider convictions. All Boards consider establishing the amount of time each type of criminal conviction, that is substantially and directly related to their profession, could affecting licensing decisions in their rules, its practice regarding the amount of time that passes when a criminal conviction will no longer required review by the full Board. The OPLC establish a process for the public to petition for review of whether their criminal history would disqualify them from licensing or certification; track data on petitions received, the petitions approved and denied, and type of criminal offense each board approved and denied; and report data on petitions annually.*

Current Status: The OPLC has promulgated universal rules in the Plc 300s and Plc 200s for how to handle situations involving criminal background checks and board review of the same. These rules are in compliance with RSA 332-G:10 and RSA 310:14. Additionally, the OPLC has also established and/or is in the process of creating multiple policies that ensure OPLC and Board compliance with these statutes and rules, as well as federal and state laws and rules regarding the handling and confidentiality of criminal background checks.

Observation 10: Adopt Rules for Some Licensing Requirements and Processes

Summary of Finding: *The BMHP adopt rules to establish requirements for Licensed Social Worker, Licensed Social Work Associate, and School Social Worker licenses; waive supervised work experience for applicants licensed in another state for five years or more; and clearly establish the "Fast-Track" application process. The LADC Board adopt rules establishing the Peer Review Committee's duties in the licensing process. The Board of Psych adopt rules on requirement for School Psychologist-Doctorial and School Psychologist-Specialist licenses. OPLC, in consultation with Boards, adopt rules to facilitate licensing for military members and their spouses.*

Current Status: RSA 310:17, supplants the board of mental health practice's endorsement statute, and HB 82, as currently proposed, will eradicate it from the statutory scheme. The Board has promulgated rules related to those new license types, and will continue to do so in furtherance of its statutory obligations. [2024-5-exrf-rule-mhp-302.01c-mhp-302.05b1-b2a-b3-and-b4 0.pdf](#); see also [CHAPTER Mhp 300 LICENSE AND REGISTRATION REQUIREMENTS, APPLICATIONS AND FEES](#). HB 82 seeks to remove the LADC Boards committee authority, which would eliminate the authority to have a Peer Review Committee, although the board currently has Alc 409.04(d) related to the committee and how it assists the board. Additionally, and with respect to the other rule recommendations, OPLC is in the process of coordinating with Boards to create rules under newly enacted legislation. The OPLC Rulemaking Bureau consists of one full-time and two-part time employees and is responsible for approximately 25% of the state of New Hampshire's rulemaking. The OPLC has recently developed a system and policy for accepting, prioritizing, and fulfilling rulemaking requests and is working with all boards on eliminating board rules that do not comport with new statutory requirements for licensure. This system includes input from the boards to ensure rules are accurate and timely started.

Observation 11: Ensure Requirements are Clear and Consistently Applied

Summary of Finding: *The OPLC and all Boards determine if all documents must be received before the application is sent for review. If incomplete applications can be reviewed by the Board in some circumstances, develop a policy and ensure consistency for all applicants. All Boards ensure forms and other license guidance clearly and correctly state requirements, including the applicable fees.*

Current Status: The OPLC has promulgated the Plc 300s which establish universal timelines for the processing of applications across all boards and determine when they are complete and are sent to the Board for review. The OPLC has also established and/or is in the process of creating multiple policies that address comport with these rules. The OPLC is also in the process of building a new licensing system and vamping many of its future processes, policies and rules to comport with its capabilities. Additionally, OPLC is in the process of coordinating with Boards to create rules under newly enacted legislation (including the elimination or recreation of forms). The OPLC Rulemaking Bureau consists of one full-time and two-part time employees and is responsible for approximately 25% of the state of New Hampshire's rulemaking. The OPLC has recently developed a system and policy for accepting, prioritizing, and fulfilling rulemaking requests and is working with all boards on eliminating board rules that do not comport with new statutory requirements for licensure. This system includes input from the boards to ensure rules are accurate and timely started.

Observation 12: Review Examination Requirements

Summary of Finding: *The Board of Psych continue assessing if written essays should be required, evaluate if applicants can take the licensing exam sooner, and amend rules as necessary. The BMHP review if other examinations are comparable for individuals applying for a Licensed Clinical Mental Health Counselor and Marriage and Family Therapist license. If it determine other examinations are comparable, seek legislative amendment to allow more flexibility and amend rules accordingly.*

Current Status: Both the board of psychologists and board of mental health practice have been actively engaged in how to revamp the criteria noted in observation 12. OPLC is in the process of coordinating with Boards to create rules under newly enacted legislation (including the elimination or recreation of rules related to criteria that needs to be changed or may be considered subjective). The OPLC Rulemaking Bureau consists of one full-time and two-part time employees and is responsible for approximately 25% of the state of New Hampshire's rulemaking. The OPLC has recently developed a system and policy for accepting, prioritizing, and fulfilling rulemaking requests and is working with all boards on eliminating board rules that do not comport with new statutory requirements for licensure. This system includes input from the boards to ensure rules are accurate and timely started.

State of New Hampshire
LBA Audit Division
Performance Audits - 10 Year Status Summary
Agency Progress In Implementing LBA Recommendations As of May 22, 2025

Performance Audit Topics	Year of Release	# of Observations	# Concur	# Concur in Part	# Don't Concur	Fully Addressed Observations	% Fully Addressed	# of Updates Completed	Year of Last Update	Final Update?	LPAOC Received Update	Notes
Board of Pharmacy Inspections	2015	10	9	1	0	0	0%	1	2015	N	<input type="checkbox"/>	
Statewide Recycling - Liquor Commission	2015	1	0	1	0	0	0%	0	N/A	N	<input type="checkbox"/>	
DOC Sex Offender Treatment Program	2016	6	6	0	0	0	0%	0	N/A	N	<input type="checkbox"/>	
Naturopathic Board of Examiners - Board	2017	18	17	1	0	0	0%	0	N/A	N	<input type="checkbox"/>	
Naturopathic Board of Examiners - OPLC	2017	8	8	0	0	0	0%	0	N/A	N	<input type="checkbox"/>	
Real Estate Commission - NHREC	2017	13	8	4	1	0	0%	0	N/A	N	<input type="checkbox"/>	
Real Estate Commission - OPLC	2017	6	6	0	0	0	0%	0	N/A	N	<input type="checkbox"/>	
Police Standards & Training Council	2019	16	14	2	0	9	56%	2	2023	N	<input type="checkbox"/>	
Adult Parole Board - Board	2019	26	21	5	0	0	0%	0	N/A	N	<input type="checkbox"/>	
Adult Parole Board - DOC	2019	13	11	2	0	0	0%	0	N/A	N	<input type="checkbox"/>	
DES Wetlands Bureau Permitting - Council	2019	10	3	4	3	0	0%	0	N/A	N	<input type="checkbox"/>	
Board of Dental Examiners & OPLC - Board	2022	33	22	11	0	0	0%	0	N/A	N	<input type="checkbox"/>	
Board of Dental Examiners & OPLC - OPLC	2022	10	10	0	0	0	0%	0	N/A	N	<input type="checkbox"/>	
DRED Office of Workforce Opportunity, WorkReadyNH	2016	9	7	2	0	8	89%	1	2017	N	<input type="checkbox"/>	
DOS Division of Homeland Security & Emergency Mangement	2016	8	8	0	0	7	88%	6	2025	N		
DOT Bridge Maintenance	2016	20	3	15	2	14	70%	11	2025	N		
DHHS Prescription Drug Monitoring Program	2017	26	25	1	0	24	92%	2	2025	N	<input checked="" type="checkbox"/>	A, E
Department of Information Technology	2018	24	23	1	0	21	88%	12	2024	N	<input type="checkbox"/>	
NHED Bureau of Vocational Rehabilitation	2021	46	4	42	0	43	93%	3	2024	N	<input type="checkbox"/>	
DHHS Sununu Youth Services Center	2021	10	10	0	0	8	80%	5	2025	N		
OPLC Mental Health Workforce	2023	12	12	0	0	1	8%	1	2025	N	<input checked="" type="checkbox"/>	E
Dept of Energy Weatherization Assistance Program	2023	6	6	0	0	4	67%	3	2024	N	<input type="checkbox"/>	
Commission for Human Rights	2025	25	24	1	0	0	0%	0	N/A	N		C
Statewide Recycling - DAS	2015	8	1	7	0	8	100%	8	2023	Y		
DHHS Public Health - Food Protection Section	2015	29	18	11	0	29	100%	11	2024	Y		
DES State Owned Dams	2015	12	12	0	0	12	100%	3	2017	Y		
DHHS Child Support Services	2015	7	6	1	0	7	100%	7	2020	Y		
DHHS Bureau of Development Services: Unspent Appropriations	2016	12	7	5	0	12	100%	6	2023	Y		
DAS Back Office Consolidation	2016	12	10	2	0	12	100%	1	2019	Y		D
Community College System of NH - CCSNH & Foundation	2017	29	22	6	1	29	100%	2	2023	Y		
DES Air Resources Division	2018	10	10	0	0	10	100%	4	2022	Y		
DES Wetlands Bureau Permitting - Department	2019	60	57	3	0	60	100%	8	2024	Y		
DHHS Therapeutic Cannabis Program	2019	9	9	0	0	9	100%	11	2024	Y		
Liquor Commission Division of Enforcement & Licensing	2021	47	44	3	0	47	100%	7	2024	F		B
DHHS Child Care Licensing	2022	8	8	0	0	8	100%	5	2024	Y		
NHED SPED Dispute Resolution Processes	2024	20	9	11	0	20	100%	3	2025	Y		

Legend

- Red = Agency Not Demonstrating Progress
- Yellow = Agency Made Progress
- Green = Agency Reports Corrective Actions Are Completed

Notes

- A - Effective July 2021 (HB2), PDMP was moved from OPLC to DHHS.
- B - 2024 update recently posted as final.
- C - Recently issued report - too soon for updates.
- D - Payable Shared Services was dissolved.
- E - Recently moved down the list and combined.